

Message Text

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ACTION EUR-12

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C O N F I D E N T I A L ROME 19771

E.O. 11652: GDS

TAGS: MILI, IT

SUBJECT: LOC AGREEMENT WITH ITALY

REF: (A) ROME 19125, (B) STATE 284281, (C) STATE 288268

1. SUMMARY. U.S. AND ITALIAN TEAMS MET DECEMBER 1 AND 2 FOR THOROUGHGOING REVIEW OF POSSIBLE LINE OF COMMUNICATIONS AGREEMENT. ATMOSPHERE WAS CORDIAL AND COOPERATIVE. NO PROBLEMS OF SUBSTANCE WHICH WOULD INHIBIT MUTUALLY SATISFACTORY AGREEMENT WERE IDENTIFIED. END SUMMARY.

2. EUCOM LOC TEAM, HEADED BY MG C.W.RYDER, IN COMPANY WITH EMBOFFS, EXPLORED POSSIBLE LOC AGREEMENT DECEMBER 1 AND 2 AT MOD ROME WITH ITALIAN DELEGATION LED BY B.GEN. GIOVANNI RINALDI, CHIEF, FOURTH DIV., GENERAL DEFENSE STAFF, COMPRISING REPRESENTATIVES OF MINISTRIES OF FOREIGN AFFAIRS (NATO OFFICE), FINANCE (CUSTOMS AND DUTIES), TRANSPORT, POST AND TELECOMMUNICATIONS, MERCHANT MARINE, PUBLIC WORKS, TRADE AND INDUSTRY, AS WELL AS THE RELEVANT BRANCHES OF MOD.

3. IT WAS EVIDENT FROM BEGINNING OF MEETINGS THAT QUESTION ON ITALIAN SIDE WAS NOT RPT NOT WHETHER LOC ACCORD WAS NECESSARY AND CONFIDENTIAL

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POSSIBLE BUT RATHER HOW SUCH AGREEMENT COULD BE REACHED PROMPTLY

TO MUTUAL SATISFACTION. IN CONSEQUENCE ITALIAN CONTRIBUTIONS WERE GERMANE, CONSTRUCTIVE AND DESIGNED TO ESTABLISH AN AGREEMENT WITH MAXIMUM LEGAL VALIDITY AND (UNSTATED) POLITICAL ACCEPTABILITY.

4. DISCUSSIONS OPENED AND CLOSED WITH PLENARY SESSIONS, WITH INTERVENING COMPREHENSIVE EXPLORATION BY SUBGROUPS OF TECHNICAL ASPECTS, INCLUDING TRANSPORTATION, PROCUREMENT, TELECOMMUNICATIONS, LABOR AND CONSTRUCTION. NEITHER IN PLENARIES OR SUBGROUPS WERE ANY PROBLEMS UNEARTHED WHICH WOULD APPEAR TO POSE SERIOUS DIFFICULTY ON CONCLUDING A MUTUALLY SATISFACTORY LOC. ITALIANS SUGGESTED A NUMBER OF DRAFTING CHANGES, BEARING ON BOTH SUBSTANCE AND TERMINOLOGY OF US-PROVIDED DRAFTS, WHICH US SIDE TOOK UNDER ADVISEMENT.

5. BY AGREEMENT, EUCOM WILL NOW PREPARE REVISED DRAFTS OF POSSIBLE UMBRELLA AND SUBSIDIARY AGREEMENTS, TAKING INTO ACCOUNT ITALIAN VIEWS AS FAR AS POSSIBLE. REVISED DRAFTS WILL BE PROVIDED MOD FOR STAFFING IN GOI, WITH FURTHER STEPS TO BE DETERMINED AFTER UPDATED GOI VIEWS ARE RECEIVED.

6. BY MUTUAL AGREEMENT, NEITHER SIDE PURSUED THE QUESTION OF POSSIBLE LEVEL OF SIGNATURE. ITALIAN INTENT, WITH WHICH WE TACITLY CONCURRED, WAS TO SEE HOW THE TOTAL PACKAGE OF AGREEMENTS EVOLVES PRIOR TO REACHING A DECISION ON LEVEL. COMMENT: IN PRIOR CONVERSATIONS, MFA (DE FRANCHIS, NATO OFFICE) HAD TOLD US THAT GOI IS GENUINELY OPEN ON THE QUESTION OF LEVEL. GIVEN THE VARIETY OF MINISTRIES NECESSARILY INVOLVED IN LOC, A FINAL DETERMINATION REGARDING ITALIAN LEGAL ASPECTS WILL, ACCORDING TO DE FRANCHIS, LIKELY BE MADE IN THE OFFICE OF THE PRIME MINISTER, A DETERMINATION WHICH WOULD PRESUMABLY ALSO ESTABLISH THE ITALIAN PREFERRED POSITION ON LEVEL OF SIGNATURE.

7. GOI IS ACCURATELY APPRISED OF USG POSITION ON LEVEL OF SIGNATURE, BASED ON A NON-PAPER PROVIDED MFA BY EMBASSY, EXTRACTED FROM REFS. B AND C.

8. EUCOM REPS COMMENTED FOLLOWING MEETINGS THAT SESSIONS HAD BEEN MOST EFFECTIVE AND FRUITFUL SO FAR ENCOUNTERED IN LOC CONTEXT. WHILE EFFECT OF SUGGESTED ITALIAN TEXTUAL CHANGES HAS YET TO BE FULLY WEIGHED, OUR PRELIMINARY VIEW IS THAT THEY ARE DESIGNED TO PROVIDE A SOLID JURIDICAL BASIS FOR AN EVENTUAL LOC, CONSONANT
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BOTH WITH ITALIAN TREATY OBLIGATIONS AND DOMESTIC LAW. NONE OF THE SUGGESTED CHANGES SEEMS TO PRESENT INSUPERABLE PROBLEMS.

9. REF. A REQUESTS EMBASSY VIEWS AND ADVICE ON PROCEEDING WITH, OR TOWARD, THE NEGOTIATION. WE RECOMMEND, AS INDICATED ABOVE, THAT EUCOM PROCEED WITH THE DRAFTING OF REVISED TEXTS, ALIGNING THEM TO THE EXTENT FEASIBLE WITH PRIOR LOC UMBRELLA AND TECHNICAL AGREEMENTS NEGOTIATED WITH CENTAG COUNTRIES. WHEN REVISED TEXTS

ARE AVAILABLE, SUGGEST EUCOM ALSO SEND COPIES TO STATE AND DEFENSE FOR INFORMATION. WHEN ITALIAN REACTIONS HAVE BEEN RECEIVED, IT MAY THEN PROVE POSSIBLE TO DEVELOP AGREED, DRAFT NON-BINDING TEXTS WHICH WOULD ENABLE US TO BEGIN THE CIRCULAR 175 PROCESS. DEVELOPING SUCH AGREED DRAFTS MAY REQUIRE A FURTHER MEETING WITH ITALIAN SIDE, OR CONCEIVABLY COULD BE DONE VIA CORRESPONDENCE. IN EITHER EVENT, WE WOULD ANTICIPATE THAT IT WILL BE EARLY SPRING BEFORE SUFFICIENT PROGRESS HAS BEEN MADE TO TRIGGER CIRCULAR 175.VOLPE

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